SENATE COMMITTEE RECORDS: A GUIDE TO DISPOSITION AND PUBLIC ACCESS

Prepared Under the Direction of
William F. Hildenbrand, Secretary of the Senate
by Richard A. Baker, Senate Historian

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Appendix A: 44 USC 2114, Records of Congress.

Appendix B: Senate Resolution 474 (December 1, 1980) and Senate Report (96-1042) relating to access to Senate records at the National Archives.

Appendix C: Memorandum of the Senate Legal Counsel regarding ownership of committee records, November 18, 1980.

Appendix D: Recommendations 14-17, National Study Commission on Records and Documents of Federal Officials, March 31, 1977 (relating to committee records).

Introduction

The Senate maintains fifteen thousand cubic feet of its non-current records at the National Archives. Dating from 1789, the collection includes both floor and committee papers. These materials are basic sources for the study and understanding of the Senate's history and role in the legislative process, and of the general history of the American people.

Senate committee records are of particular importance. Properly preserved, they contain evidence of each committee's organization and functions, furnish a complete legislative history of individual bills and laws, and serve as a rich source of reference material for topics within a committee's jurisdiction. Committee records are a vital component of the Senate's institutional "memory." Although much of the Senate's business is routinely placed in the public record through the publication of committee hearings, legislative reports and floor proceedings, unpublished committee records provide important additional information about Senate decision-making processes.

This handbook is designed to assist committees in establishing systematic procedures for identifying and transferring their permanently-valuable records to the National Archives, and provides guidelines for the disposition of non-permanent materials on a timely and efficient basis. The purpose of this handbook is to minimize inconsistencies in the quality and quantity of records preserved. In the past, some committees have sent to the National Archives nearly

every document they accumulate, while others have chosen to preserve relatively few of their substantive records. In some cases the National Archives has received unopened boxes of committee publications, processed library material, and other reference matter that have no value in documenting the activities of the Senate and are inappropriate for permanent preservation. In other cases, the documentation in the files has been so scanty that committee staff members, attempting to use it at a later date, have reported that it proved valueless for their purposes.

The Legislative Reorganization Act of 1946 (44 USC 2114) provides a uniform policy of records disposition for the entire Congress. It stipulates that "the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress, all of the non-current records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate and House respectively." This provision has been incorporated into Rule XI of the Standing Rules of the Senate.

Senate Resolution 474 (December 1, 1980) established a uniform system of access governing non-current Senate records at the National Archives.

The National Archives' holdings of Senate records do not include the personal papers and office files of individual members. Generally, senators deposit their records in a home-state educational institution. The Senate Historical

Office maintains an extensive register of the locations of former senators' papers.

This handbook was prepared with the assistance of the National Archives and Records Service, and the Senate Historical Office. Portions have been reviewed by committee staff personnel and their recommendations have been readily incorporated. Revisions in the text of this handbook will be made on a regular basis. Any suggestions for additions, corrections, or clarifications of fact, are welcome and should be addressed to the Senate Historical Office, Office of the Secretary.

William F. Hildenbrand
Secretary of the Senate

Checklist for Transferring Records to the National Archives

- Have duplicates and records of temporary value been eliminated? (See Page 3)
- Does this transfer consist of at least five cubic feet? (See Page 13)
- Does this shipment include all of the records I plan to transfer this Congress? (See Page 8)
- Are the records arranged in the same manner in which they were used in the office? (See Page 10)
- Have finding aids such as inventories of transcripts, computer and manual indexes, and committee calendars been included in the records? (See Page 6)
- Has a box list been prepared for each shipment? (See Page 14)

Useful Telephone Numbers

- To arrange for pick-up or return of records: 523-3281 or 523-3238. (See Page 13 and 15)
- To request records storage boxes: 523-3281 or 523-3238. (See Page 11)
- To obtain assistance in determining which records have permanent value: 724-1068/1069. (See Page 2)
- For records disposition and access advice from the Office of the Secretary of the Senate: 224-6900.

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PART I

RECORDS: A DEFINITION

The records of the Senate include all documentary materials, regardless of physical format, created or received by the Senate in the exercise of its legislative, administrative, and oversight responsibilities. They are considered appropriate for preservation either as evidence of the organization, functions, and operations of the Senate, or because of the informational value of the data they contain. For disposition purposes, it is important to distinguish records of lasting value from those which have only short term administrative uses and eventuallly can be destroyed.

There are three tests for "informational value" that should be applied in determining whether to preserve a specific group of records. They relate to the records' uniqueness, form, and importance. In this context, "uniqueness" means that the records cannot be found elsewhere in as complete or useable form. The test related to "form" concerns the degree to which the information in the records is concentrated. It also relates to the physical condition of the records and the ease of access to the information contained therein. The research "importance" of a group of records is a somewhat subjective matter that can best be determined by an archival appraiser who has experience with the arrangement and research use of similar bodies of records. Although those who create the records are in a position to evaluate their relative importance, their perspective is often limited by their familiarity with the

result that they tend to underrate the material's longer range significance.

The following lists are designed to provide general guidance in determining which non-current records merit permanent preservation. For advice in cases that do not appear to be covered below, contact the National Archives' Records Disposition Division, 724-1068/1069 or the Senate Historical Office, 224-6900.

Records of Permanent Value

Records that are sufficiently valuable for research and other purposes to warrant permanent preservation in the National Archives include:

- minutes of committee meetings
- executive communications
- correspondence, internal memoranda, and other working papers of the committee chairman and professional staff members (including substantive preliminary drafts)
- legislative bill files (See Part II)
- records relating to special studies and investigations, including the confirmation of nominations and advice and consent to treaties (See Part II)
- subject files (if screened for excessive printed material available elsewhere)
- publications of the committee (one copy each); (excess copies may be sent to the Library of Congress' Gift and Exchange Division, Attention: Receiving and Routing Section, Washington, DC, 20540)
- transcripts of unprinted committee hearings, in both public and executive sessions
- chronological or "reading" files, if not duplicated in other permanent files

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- exhibits and audio visual materials
- news releases
- photocopies of press clippings on the committee's work
- petitions and memorials
- computer-generated indexes and finding aides

Records of Temporary Value

These records should be kept separate from those listed above. They may be discarded after a fixed period of time, or after an event related to the reasons for which they were created. They may include, but are not limited to, the following categories:

- administrative (housekeeping) records relating to travel; committee expenses and expenditures, such as bills and vouchers; applications for employment; attendance records; records relating to the procurement of supplies and equipment
- reference materials, consisting of printed documents, books, pamphlets, or processed studies (not accumulated as exhibits)
- information copies of correspondence and other papers on which no action is taken
- "orchestrated" pressure mail (keep a sample and a count of the pieces received)
- identical duplicate copies of all documents maintained in the same file
- copies of correspondence kept to serve as a reminder to follow-up after an initial action or event
- extra copies of printed or processed materials, official copies of which have been retained for record purposes
- superseded handbooks and other directives in the possession of an office other than the one that is responsible for retaining them

- materials documenting such fringe activities as employee welfare activities and charitable fund drives
- routing slips
- transmittal sheets
- blank forms
- transcribed stenographic materials
- unsolicited catalogs, trade journals, and other publications or papers that are received from government agencies, commercial firms, or private institutions and that require no action and are not part of a case upon which action is taken
- correspondence and other records of short-term value that, after action has been completed, have neither evidential nor informational value, such as requests for publications and communications on hotel reservations
- reproduction materials, such as stencils, hectograph masters, and offset plates

Records of temporary value should not be mixed with permanent records in the same file. Sometimes papers normally considered of limited or no value, such as transmittals or routing slips, acquire permanent status because they clarify the matter being documented. Such distinctions require care and discretion. The fact that a file item is a copy does not necessarily make it disposable. Several copies of a single item, if found in different files, may each have permanent value because each serves a separate documentary purpose.

PART II

LEGISLATIVE AND OVERSIGHT FILES: CONTENTS

Legislative Files

Legislative files are maintained for each bill or resolution referred to a committee. When action is completed on a particular measure, its file should include a full history of committee and floor deliberation. The following list was prepared by one of the Senate's major legislative committees and ought to be useful to others. As appropriate, the legislative file should include:

- the introduced Senate bill or resolution
- a section-by-section analysis of the legislation
- a copy of each committee print of the legislation, marked to show the sequence of developments in the proposal
- press releases
- copies of referral correspondence from executive branch agencies or presidential communications to Congress relevant to the legislation
- a copy of subcommittee minutes pertaining to the legislation
- copies of communications with the Senate leadership and other interested members
- a copy of hearing transcripts, if hearings were not printed, with a disclaimer that this material has not been edited; otherwise a copy of the title page of the printed volume
- a copy of the reported legislation
- a copy of the committee's report
- a copy of the Senate-passed legislation
- the introduced companion House bill

- a copy of the House report on the legislation
- a copy of the House-passed version of the legislation
- a copy of the conference report on the legislation, conference minutes, and conference transcript if not printed or a side-by-side print of the legislation as considered in conference
- a copy of the Public Law (Slip-Law)
- a cross-reference sheet listing committee prints, General Accounting Office reports, or other relevant documents which were not included in other files or bound collections of the committee
- memorials and petitions which a committee may place in the legislative file to which each pertains; alternative procedure has committee keeping them in a common file of their own with appropriate citations being made on relevant cross-reference sheets (see above) within the legislative files
- the statement of the president upon signing the bill
- the statement of the president upon vetoing the bill together with documentation pertaining to override actions in either or both Houses of Congress

NOTE: Committee Calendars--at the end of each Congress, committees should send two copies of their printed final calendars to the Legislative Records division of the National Archives. Most committees maintain at least one bound copy of their printed final calendar for each Congress in their office collection of documents.

Oversight Files

When a committee decides to conduct a formal investigation or to review the performance of an agency or program, it opens an oversight file. Normally such files are kept

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according to the subject of the oversight. The following items, as applicable, should be considered for retention in every oversight file:

- written and printed material prompting the investigation or oversight hearing
- the initiating document
- press releases
- executive branch referral correspondence
- a copy of committee or subcommittee minutes of meetings relevant to the hearing or investigation
- substantive staff communiques, dated to assure refiling in the correct order
- support studies relevant to the subject of the investigation or hearing, if not otherwise printed
- studies contained in committee prints issued by the committee or subcommittee conducting the investigation or hearing
- the hearing transcript if not printed; otherwise a photocopy of the printed title page
- committee reports resulting from the investigation or hearing
- committee correspondence requesting information and responses
- subpoena electro-static copies
- a cross-reference sheet to related printed material
- exhibits

PART III

RECORDS: DISPOSITION

This section provides information on WHEN, WHERE, and HOW to transfer committee records to the National Archives when they are no longer needed for the current work of the committee.

WHEN

The prompt removal of records from committee office space, when they are no longer needed for current committee business, results in the following major benefits:

- savings in space and equipment costs; more records can be stored in less space and at a lower cost in the National Archives than in office space
- improved committee operations; files stripped of unneeded papers can be searched more easily and quickly
- improved control of permanent records; files removed in accordance with a specific plan can be easily located if needed for future reference and will be protected against loss or damage likely to occur in temporary storage sites

Committee files selected for transfer should meet the following criteria:

- not be needed to carry out current committee business and not be records of the current Congress
- be referred to only occasionally (usually not more than once a month per file drawer)

WHERE

The National Archives was established in 1934 to preserve and make available for official and private use those

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records of the national government deemed to be of enduring value. Today the National Archives and Records Service consists of the main National Archives Building on Pennsylvania Avenue and Eighth Street, Northwest, seven presidential libraries, and fifteen federal records centers, including one located at Suitland, Maryland.

The National Archives Building houses the permanently valuable records of the three branches of the national government. These records span two centuries and include billions of pages of textual material, six million photographs, five million maps and charts, 100,000 films, and eighty thousand sound recordings. The majority of these records were created by executive branch agencies. (Currently, the executive branch creates more than six million cubic feet of records annually and disposes of about 5.6 million cubic feet each year.) As permanently valuable records, they represent less than three percent of the original volume of agency files, the remaining ninety-five percent having been subsequently destroyed in consideration of their temporary value.

The Senate's records at the National Archives date back to the First Congress in 1789. They amount to more than fifteen thousand cubic feet, or nearly five million pages, and include items such as George Washington's first inaugural address, the text of the Monroe Doctrine message, anti-slavery petitions, and election certificates for all senators. In addition, there are records of all significant Senate standing and select committees including files dating

back to 1816 for the current committees on Foreign Relations, Judiciary, Finance, and Commerce. In 1936, a National Archives appraiser examined the entire Senate collection and concluded that "from the standpoint of historical as well as intrinsic interest, this is perhaps the most valuable collection of records in the entire United States Government."

HOW

Only those records deemed to be of permanent value by the committee of origin and the National Archives are appropriate for transfer. The following procedures should be observed in preparing records for transfer to the National Archives.

Sorting

Records should be filed in such a way that duplicate copies of printed material and other items of limited value are segregated from the permanent records. Under no circumstances should staff attempt to sort through individual file folders before disposing of them. Committees are advised to establish written procedures indicating where to file permanent and temporary materials. This should be done either in separate folders or separately within the same folder to eliminate the necessity of screening records for transfer. Records are best transferred in the order in which they are maintained in committee offices.

Committees may wish to set aside a special place to accumulate permanent records between the end of their administrative usefulness and the time of their transfer, usually at the end of each Congress for the most recent previous Congress.

Packing

Files must be carefully packed before shipment to prevent damage which might make them difficult to use in the future. When packing records in cartons, their existing arrangement should be preserved. Each box should be filled to near capacity, permitting easy withdrawal of individual folders for reference service. Committees are urged not to jam records into boxes and to avoid transferring partially-filled boxes.

For transfer to the National Archives of permanently-valuable records, committees should use only the specially-designed gray "Hollinger" box which protects its contents against deterioration. This box provides a five inch storage width /one thousand pages/ and is available in both letter or legal sizes. (Valuable space can be saved if committees avoid using legal sized boxes for letter sized files.) Two and one-half boxes are required for each linear foot of records being stored. In estimating the total number of boxes needed, allow five boxes for each full file drawer /24" in length/. Boxes are available in units of ten from the National Archives (telephone 523-3281 or 523-3238).

At this stage, rubber bands should be removed as they will eventually harden and deface the files to which they are attached. Loose newspaper and Congressional Record clippings should be photocopied as the originals will quickly deteriorate. "Thermofax" copies should also be recopied on conventional paper as the image on the thermofax paper will eventually disappear and the chemicals within the paper itself will react with and destroy adjoining papers.

Labeling

Labels should contain enough information to allow easy identification of the contents of each box. Inadequately labeled boxes hinder later reference service or retrieval. Specially-printed labels for Senate records are available from the National Archives. Committees should add the following information:

- Congress or Congresses (or inclusive dates):

  96th Congress

- Committee name: (including subcommittee when appropriate)

  COMMITTEE ON ARMED SERVICES

- descriptive title of records:

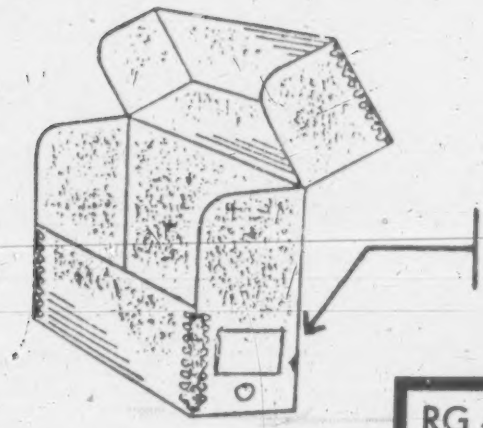
  "Legislative Files," etc.

- actual contents of each box

  S. 115 - S. 236

- box number

The following figure and examples indicate the proper method of labeling records for transfer to the National Archives. NOTE: The label should be affixed on the end of the box, on the lower portion, just above the hole.



Label should be placed on the end of the box above the hole.

RG 46 Records of the U.S. Senate

82nd Congress

Committee on Armed Services

Legislative Files
Dockets, S. 65 - S. 324

Box No. 82-157

Shipping

To send permanently valuable records to the National Archives, committees must complete the "Request for Transfer" form shown on the following page. Copies are available from the Office of the Secretary of the Senate (224-6900) or from the National Archives (523-3281 or 523-3238). The committee should keep the fourth copy and send the first three to the Legislative and Natural Resources Division of the National Archives. Upon receipt of the form the National Archives will contact the committee to schedule a pick-up time and place. Committees are urged to consolidate their shipments, sending no less than ten boxes at a time. Wherever possible, committees should make a single shipment at the end of each Congress.

The Senate of the United States

REQUEST FOR TRANSFER OF SENATE RECORDS TO THE NATIONAL ARCHIVES

Committee/Office: Committee on Armed Services

Address: 212 Russell Senate Office Building

Location of Records: 24-A Russell Senate Office Building

Complete and send the original and two copies of this form to the Legislative and Natural Resources Branch, National Archives to arrange for transfer of permanent Senate records under the provisions of Senate Rule XI and S. Res. 474 (December 1, 1980). For information on the identification and packing of permanent Senate records, see the publication of the Office of the Secretary of the Senate, *Senate Committee Records: A Guide to Disposition and Public Access*.

1. To: Legislative and Natural Resources Branch
National Archives & Records Service
Washington, D.C. 20408

2. Transferring Committee/Office Contact (Name, office and telephone number):

John Smith, Chief Clerk, 212 Russell, 224-0009

3. National Archives Receipt (Signature, title and date):

BOX NUMBERS	VOLUME (CUBIC FEET)	DESCRIPTION (Congress, dates, bill numbers, etc.)
94-1	0.5	94th Congress, 1st Session, Legislative files, S.4-S.20
94-2	0.5	94th Congress, 1st Session, Legislative files, S.29-S.41
94-3	0.5	94th Congress, 1st Session, Legislative files, S.52-S.70
94-4	0.5	94th Congress, 1st Session, Legislative files, S.81-S.101
94-5	0.5	94th Congress, 1st Session, Legislative files, S.120-S.190
94-6	0.5	94th Congress, 1st Session, Legislative files, S.J.Res.2-S.J.Res.355
94-7	0.5	94th Congress, 1st Session, Nomination files, Navy, Marine Corps, Air Force, General
94-8	0.5	94th Congress, 1st Session, Nomination files, Governor of the Canal Zone, National Security Resources Board, Assistant Secretary of Defense
94-9	0.5	94th Congress, 1st Session, Nomination files, Under-Secretaries of the Navy and Air Force, Dean of the United States Military Academy, Chief of Naval Operations, General Counsel of the Defense Department
94-10 to 94-35	11.0	94th Congress, 1st and 2nd Sessions, General Correspondence, Selective Service System
94-36 to 94-41	3.0	94th Congress, 1st and 2nd Sessions, General Correspondence, Military Construction, AA-XYZ
94-42	0.5	94th Congress, 1st Session, Unprinted Hearings, S.655

(CONTINUATION SHEET)

Committee on Armed Services
Request for Transfer - 2

94-43	0.5	94th Congress, 1st Session, Unprinted Hearings, 13 March 1975, S.111, prevent depletion of stock of strategic and critical materials for naval defense purposes; 2 April 1975, H.R.333, increase pay of parachute jumpers
94-44 to 94-60	7.0	94th Congress, 1st and 2nd Sessions, General Correspondence, Army--General, January 1975 to October 1976
94-61	0.5	94th Congress, 2nd Session, Legislative files, H.R.10300
94-62	0.5	94th Congress, 2nd Session, Legislative files, S.567-S.618
94-63 to 94-80	7.5	94th Congress, 1st and 2nd Sessions, General Correspondence, Air Force--Promotions

Box Lists

The "Request for Transfer" form also serves as a "box list," providing a detailed inventory of committee files. Committees are advised to assign each record box a unique number to facilitate future reference. That number usually consists of the Congress designation during which the records were created and an arbitrary series number, as follows: The first box of the 96th Congress is designated 96-1. Assuming the committee transfers one hundred boxes for that Congress, the final box would be designated 96-100. Subsequent shipments for that Congress would begin with 96-101, etc.

Depending upon the size of the shipment, the box list may include many pages, of which the Records Transfer form is page one. The second page of the list should be continued on plain white paper, of which the original and two copies are to be sent with the transfer form to the National Archives.

There are two basic methods by which the contents of individual boxes can be described. For those containing legislative (bill) files (arranged numerically) and routine correspondence files (arranged alphabetically) it is sufficient to indicate the inclusive numbers or names (see transfer form example). For more complicated and less obvious series, such as subject files, committees should consider including on the box list the title of each folder to promote efficient retrieval. When doubt exists, the more detailed format is preferable.

Security classified files must be described on a separate transfer form (see page 21).

PART IV

REQUESTING RECORDS

The National Archives provides reference service to committees when they require access to their older files. The service includes search of records for specific factual information, return of individual records to the committee of origin, and preparation of authenticated reproductions of documents.

The Legislative division of the National Archives is not staffed to reorganize or otherwise arrange records at the time of their receipt. Accordingly, the efficiency of reference service is largely dependent upon the condition of records when they arrive at the Archives. Committees that systematically discard records of tempor value and maintain box lists of records previously transferred should encounter no difficulty in identifying and retrieving their non-current files.

Committees are requested to designate one or more staff members who are authorized access to all records and who may request the return of individual records. Generally, those so designated include the staff director, the chief clerk and the minority staff coordinator.

For research assistance, call the National Archives at 523-3281 or 523-3238.

PART V

MICROFILMING COMMITTEE RECORDS

The increasing volume of committee activity and the resulting flood of records suggests the use of microfilm to facilitate the storage and retrieval of committee files. For committees, microfilm serves two basic purposes: the management of current records, and the storage of permanent records. Properly employed, microfilm can increase efficiency and reduce costs.

From an archival perspective, however, microfilm offers potential difficulties with regard to durability, quality of reproduction, and ease of use.

If committees choose to microfilm portions of their files, they should contact the Records Disposition Division of the National Archives (724-1068) before initiating the project for assistance in distinguishing between records of permanent and temporary value. Generally, the Archives prefers to receive the paper copies rather than film. In instances where it is suitable to send film, the Archives requests two sets, one for reference use and one as a master file copy.

PART VI

RECORDS: PUBLIC ACCESS

On December 1, 1980, the Senate adopted S. Res. 474 designed to clarify procedures for access to its non-current records at the National Archives. This action was based largely on the recommendations to two special study committees. On February 24, 1977, the Temporary Select Committee to Study the Senate Committee System recommended, with regard to Senate committees records, that:

> The Senate adopt a resolution directing that all non-current committee records be opened within a certain reasonable time after their creation except where a committee declares that personal privacy, national security, or other national interest requires continued confidentiality. Each committee should state clearly which records may be made available earlier than the time period specified in the resolution and under what procedures. All statements of committee policy governing access to non-current records should be published in the Congressional Record and filed with the Secretary of the Senate, the Senate Historical Office, and the Archivist of the United States.

Five weeks later, on March 31, 1977, the National Study Commission on the Records and Documents of Federal Officials, in its report to Congress, recommended that "unpublished records of Congress deposited at the National Archives should be made available (to the public) immediately, except for those (sensitive) materials that (would) fall under the exemptions included in the Freedom of Information and Privacy Acts." The Commission noted that the records of Congress are an invaluable source of information about the legislative process, "yet the rules governing access are so varied and inconsistent that the records themselves go unused." The

Commission concluded that the time had come for Congress to adopt uniform standards for disposition and access similar to those within the Executive Branch. The commission also urged the adoption of a systematic program for records management to facilitate the separation of records of permanent value from those that can be destroyed.

In agreeing to the resolution, the Senate expressed the belief that "orderly and timely public access to the Senate's records at the National Archives will greatly contribute to greater public knowledge of and interest in the Senate of the United States."

Over the years Senate committees made individual arrangements with the National Archives governing access. Some committees opened their records at the time they transfer them. Others set a specific time period ranging from ten to twenty years. Still others required researchers to petition them on a case-by-case basis, regardless of the records' age. In the past, many committees had not taken the opportunity to review regularly their access policies. As a result, access to many committee records at the National Archives was controlled by agreements prepared, as much as fifteen years earlier, by persons who were no longer members of the Senate. Additionally, many committees had gone out of existence without making specific provisions for control of their records. This great variety of regulations created considerable confusion and often resulted in access to similar, but separate, bodies of records being granted in some cases and denied in others.

The resolution eliminates that problem, providing for access as follows:

- in the case of investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations, when such files and records have been in existence for fifty years;

- in the case of all other such records, when such records have been in existence for twenty years. Notwithstanding these provisions, any committee of the Senate may, by action of the full committee, prescribe a different time when any of its records may be made available for public use, under specific conditions to be fixed by such committee, by giving notice thereof to the Secretary of the Senate and the Administrator of General Services.

If committees take no action to the contrary, the following restrictions will apply:

Investigative files relating to individuals and containing personal data	(50 years)
Personnel records	(50 years)
Legislative bill files	(20 years)
Minutes of committee meetings	(20 years)
Executive communications	(20 years)
Correspondence of the chairman, members, and staff	(20 years)
Subject files	(20 years)
Unprinted transcripts of closed hearings (unless marked "Secret" or "Top Secret" in which case they will be subject to review by the committee, or if the committee is defunct, the National Archives declassification office)	(20 years)
Petitions and memorials	No Restriction
Press clippings and releases	No Restriction

The majority of committee records quickly lose their sensitive qualities and could be opened far in advance of the resolution's twenty and fifty year outer limits. For specific assistance, committees may consult the National Archives' Legislative and Natural Resources Branch, or the Senate Historical Office.

To insure that committee access policies remain current, the Secretary of the Senate will write to all chairmen at the beginning of each new Congress. At that time, the Secretary will offer to provide additional copies of this guidebook, a statement of the committee's existing policies as understood by the National Archives, and a reminder that committees should send to the Archives names of staff authorized to request return of records and to have access to restricted files.

Because neither the Freedom of Information Act (5 USC 552) nor the Privacy Act (5 USC 552a) apply to Congress, the access system established by Senate Resolution 474 determines the availability of archived non-current committee records to the public.

Several Senate committees have rules governing access to transcripts of their closed (executive session) meetings. Those rules provide that access will be granted only by majority vote of the committee or upon authorization of the chairman and ranking minority member. Unless committees specify to the contrary, it is assumed that these restrictions apply to transcripts less than twenty years old and that for all others, the provisions of Senate Resolution 474 apply.

PART VII

SENSITIVE RECORDS

Although the Senate does not make use of a formal system of information security arrangements such as that employed by the Executive Branch, it has a need, nevertheless, to protect sensitive information, whether provided by executive agencies, acquired from private sources, or originated within Congress. The need for classifying sensitive information usually lessens with the passage of time. The character of this information is such that its premature disclosure could result in the conveyance of an unwanted political or economic advantage to others. Or such release might be regarded as an unwarranted invasion of personal privacy or contrary to sound business practices.

In more specific terms, the following types of information warrant protection within the Executive Branch and, therefore, might be regarded as "sensitive" within Congress. These materials, so identified, pertain to or include:

- national defense or foreign policy (5 USC 552 (b) (1)); (E. O. 12065)
- classified information (18 USC 952); (50 USC 783)
- diplomatic codes (18 USC 952)
- intelligence sources and methods (50 USC 403)
- law enforcement investigatory files (5 USC 552 (b) (7))
- trade secrets (18 USC 1905)
- commercial or financial matters (5 USC 552 (b) (4))
- personal privacy (5 USC 552 (b) (6)); (5 USC 552a)

While a variety of techniques exist for identifying sensitive information, at least one type of record is presented to Congress with a clear indication of its protected status. Classified documents are marked with identification labels--"Top Secret", "Secret", and "Confidential"--by executive branch personnel, indicating that their contents met prescribed standards for the creation of official secrets. Today, committees generally have specified rules for managing classified materials and other types of sensitive data.

Preparation of Sensitive Material for Shipment

Any classified materials transferred to the National Archives must be clearly identified and separated from other records so that appropriate precautions can be taken. (This requires the preparation of a separate "Request for Transfer" form.)

The following guidelines apply only to the transmission of national security-related records. They have been adapted from a National Archives documents security handbook and are included here for general guidance only. For specific information or assistance, contact the National Archives or the Senate Office of Classified National Security Information (224-5632).

Envelopes and Containers

(1) Whenever classified information is transmitted, it shall be enclosed in two opaque sealed envelopes or similar wrappings where size permits.

(2) Whenever classified material of a size not suitable for transmission in accordance with (1), above, is transmitted, it shall be enclosed in two opaque sealed containers, such as boxes or heavy wrappings.

(3) Specialized shipping containers including closed cargo transporters may be used instead of the above packaging requirements. In such cases, the container may be considered the outer wrapping or cover.

(4) Material used for packing shall be of such strength and durability as to provide security protection while in transit, to prevent items from breaking out of the container, and to facilitate the detection of any tampering with the container.

Addressing

(1) Classified material shall be addressed to an official government activity and not an individual. This is not intended, however, to prevent use of office code numbers or such phrases in the address as "Attention: Research Department," or similar aides in expediting internal routing, in addition to the organization address.

(2) Classified written material shall be folded or packed in such a manner that the text will not be in direct contact with the inner envelope or container. A receipt form shall be attached to or enclosed in the inner envelope or container for all material. The inner envelope or container shall be marked with the highest classification of the contents.

(3) The inner envelope or container shall show the address of the sending and receiving activity, classification, including, where appropriate, the "Restricted Data" marking, and any applicable special instructions. It shall be carefully sealed to minimize the possibility of access without leaving evidence of tampering.

(4) An outer or single envelope or container shall show the complete and correct address and the return address of the sender. Envelopes or containers to be delivered by messenger or courier will show complete street address and room number.

(5) An outer cover or single envelope or container shall not bear a classification marking, a listing of the contents divulging classified information, or any other unusual data or marks which might invite special attention to the fact that the contents are classified.

APPENDICES

Appendix A: 44 USC 2114, Records of Congress.

Appendix B: Senate Resolution 474 (December 1, 1980) and Senate Report 96-1042, relating to access to Senate records at the National Archives.

Appendix C: Memorandum of the Senate Legal Counsel regarding ownership of committee records, November 18, 1980.

Appendix D: Recommendations 14-17, National Study Commission on Records and Documents of Federal Officials, March 31, 1977 (relating to committee records).

APPENDIX A

44 USC 2114 Records of Congress

CHAPTER 21—ARCHIVAL ADMINISTRATION

§ 2114. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

Pub.L. 90–620, Oct. 22, 1968, 82 Stat. 1291.

96TH CONGRESS
2D SESSION

S. RES. 474

[Report No. 96–1042]

Relating to public access to Senate records at the National Archives.

IN THE SENATE OF THE UNITED STATES

JUNE 24 (legislative day, JUNE 12), 1980

Mr. ROBERT C. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration

DECEMBER 1 (legislative day, NOVEMBER 20), 1980

Reported by Mr. ROBERT C. BYRD (for Mr. PELL), with amendments and an amendment to the preamble

DECEMBER 1 (legislative day, NOVEMBER 20), 1980

Considered, amended, and agreed to

RESOLUTION

Relating to public access to Senate records at the National Archives.

Whereas under rule XI of the Standing Rules of the Senate and section 2114 of title 44, United States Code, the Secretary of the Senate is responsible for transferring, at the close of each Congress, all noncurrent records of the Senate and

Senate committees to the General Services Administration for preservation;

Whereas such rule and section provide that such records are subject to the orders of the Senate; and

Whereas orderly and timely public access to the Senate's records at the National Archives will greatly contribute to greater public knowledge of and interest in the Senate of the United States: Now, therefore, be it

Resolved, That any records of the Senate or any committee of the Senate which are transferred to the General Services Administration under rule XI of the Standing Rules of the Senate and section 2114 of title 44, United States Code, and which have been made public prior to their transfer may be made available for public use.

SEC. 2. (a) Subject to such rules or regulations as the Secretary of the Senate may prescribe, any other records of the Senate or any committee of the Senate which are so transferred may be made available for public use—

(1) in the case of investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations, when such files and records have been in existence for fifty years; and

(2) in the case of all other such records, when such records have been in existence for twenty years.

(b) Notwithstanding the provisions of subsection (a), any committee of the Senate may, by action of the full committee,

prescribe a different time when any of its records may be made available for public use, under specific conditions to be fixed by such committee, by giving notice thereof to the Secretary of the Senate and the Administrator of General Services.

SEC. 3. (a) This resolution shall not be construed to authorize the public disclosure of any record pursuant to section 2 if such disclosure is prohibited by law or Executive order of the President.

(b) Notwithstanding the provisions of section 2, the Secretary of the Senate may prohibit or restrict the public disclosure of any record so transferred, other than any record of a Senate committee, if he determines that public disclosure of such record would not be in the public interest and so notifies the Administrator of General Services.

SEC. 4. The Secretary of the Senate shall transmit a copy of this resolution to the Administrator of General Services.

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96TH CONGRESS 2d Session } SENATE { REPORT No. 96-1042

RELATING TO PUBLIC ACCESS TO SENATE RECORDS AT THE NATIONAL ARCHIVES

DECEMBER 1 (legislative day, NOVEMBER 20), 1980.—Ordered to be printed

Mr. ROBERT C. BYRD (for Mr. PELL), from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. Res. 474]

The Committee on Rules and Administration, to which was referred the resolution (S. Res. 474) relating to public access to Senate records at the National Archives, having considered the same, reports favorably thereon with amendments to the text and an amendment to the preamble, and recommends that the resolution as amended be agreed to.

PURPOSE

On February 24, 1977, the Temporary Select Committee to Study the Senate Committee System recommended, with regard to Senate committee records, that:

> The Senate adopt a resolution directing that all noncurrent committee records be opened within a certain reasonable time after their creation except where a committee declares that personal privacy, national security, or other national interest requiries continued confidentiality. Each committee should state clearly which records may be made available earlier than the time period specified in the resolution and under what procedures. All statements of committee policy governing access to non-current records should be published in the Congressional Record and filed with the Secretary of the Senate, the Senate Historical Office, and the Archivist.

Five weeks later, on March 31, 1977, the National Study Commission on the Records and Documents of Federal Officials, in its report to Congress, recommended that "unpublished records of Congress deposited at the National Archives should be made available (to the public) immediately, except for those (sensitive) materials that (would) fall under the exemptions included in the Freedom of Information and Privacy Acts." The Commission noted that the records of Congress are

an invaluable source of information about the legislative process, "yet the rules governing access are so varied and inconsistent that the records themselves go unused." The Commission concluded that uniform standards for orderly disposition and access within a reasonable period of time would greatly contribute to greater public knowledge and interest in the legislative branch of the government.

The purpose of this resolution is to adopt the recommendations of the Temporary Select Committee and the Study Commission and to express the sense of the Senate that its non-current records, under proper safeguards, should be systematically available for public use. Specifically, this resolution will clarify the Secretary of the Senate's responsibility, under the provisions of Rule XI, for providing access to the records of the Senate and its committees at the National Archives.

Over the years Senate committees have made individual arrangements with the National Archives governing access. Some committees open the records at the time they transfer them. Others set a specific time period ranging from 10 to 20 years. Still others require researchers to petition them on a case-by-case basis, regardless of the records' age. In the past, many committees have not taken the opportunity to review regularly their access policies. As a result, access to many committee records at the National Archives is currently controlled by agreements prepared, as long as fifteen years ago, by chairmen who are no longer members of the Senate. Additionally, many committees have gone out of existence without making specific provisions for control of their records. This great variety of regulations has created considerable confusion and has often resulted in access to similar, but separate, bodies of records being granted in some cases and denied in others.

This resolution would result in the opening of all routine Senate records at the National Archives twenty years from the date of their creation. Sensitive records, such as investigative files relating to individuals and containing personal data, personnel records, and records of executive nominations would be opened within fifty years of their creation. All records would be subject to the National Archives' routine screening procedures.

The resolution would do nothing to interfere with Senate committees' control of their own records. They may extend or shorten the access period for portions, or all, of their records, and the Secretary of the Senate would provide them the opportunity to review their existing policy at the beginning of each Congress.

BACKGROUND

The Senate maintains at the National Archives more than fifteen thousand cubic feet of its permanent records. Dating from 1789, the collection includes both floor and committee papers. It consists of manuscript journals and minutes of legislative proceedings; bills and resolutions; memoranda and reports of Senate committees; petitions and memorials from organizations and individuals; and files relating to treaties, nominations, and impeachments. These materials are basic sources for the study and understanding not only of the Senate's history and role in the legislative process, but also of the general history of the American people.

Of particular importance are Senate committee records. Properly preserved, they contain evidence of each committee's organization and functions, furnish a complete legislative history of individual bills and laws, and serve as a rich source of reference material for topics within a committee's jurisdiction. Committee records are vital component of the Senate's institutional "memory." Although much of the Senate's business is routinely placed in the public record through the publication of committee hearings. legislative reports and floor proceedings, unpublished committee records provide important additional information about Senate decision-making processes.

In 1937, acute shortage of storage space on Capitol Hill prompted the Senate to authorize its Secretary to transfer to the newly-opened National Archives Building all records which he "may deem not necessary for use in the current business of the Senate". (S. Res. 99, 75–1, March 29, 1937). Nearly a decade later the Legislative Reorganization Act of 1946 (44 U.S.C. 2114) provided a uniform policy of records disposition for the entire Congress. It stipulated that "the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed, acting jointly, to obtain at the close of each Congress, all of the non-current records of the Congress and of each committee thereof and transfer them to the National Archives for preservation, subject to the orders of the Senate and House respectively." This provision has been incorporated into Rule XI of the Standing Rules of the Senate.

Implicit in a program of records preservation is the question of records access. Even before Senate records were transferred to the National Archives in 1937, scholars recognized their value. In 1936, a National Archives appraiser examined the entire collection and concluded that "from the standpoint of historical as well as intrinsic interest, this is perhaps the most valuable collection of records in the entire United States Government." In recent times the staff of the National Archives has reportedly spent an average of 2,200 hours per year responding to mail, telephone, and in-person requests for information believed to be contained in Senate records.

Although physcial custody of Senate and House records is now the responsibility of the National Archives, control, including decisions governing public access, remains with the originating body. For their own non-current records, individual Senate committees establish specific access policies. The National Archives is reluctant to accept records unaccompanied by a plan for eventual public access. Many routine Senate records lend themselves to immediate opening. Unprinted transcripts of public hearings are a good example of frequently requested committee files. Other records, such as staff memoranda and general legislative correspondence, tend to lose their sensitivity within a decade. Lengthier restrictions, ranging from twenty to fifty years, are appropriate in the case of investigative files, personnel records, nomination files, and documents bearing executive agency classifications. In addition to Senate-imposed restrictions, the National Archives also screens records prior to their release to ensure the protection of personal privacy and national security interests. The provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (4 U.S.C. 552a) do not apply to the records of Congress, but their spirit generally governs committee decisions to grant access to previously-restricted records.

In 1978, Congress enacted the Presidential Records Act (92 Stat. 2523), requiring that future presidents, upon leaving office, turn over their official records to the National Archives. Subject to carefully delineated exemptions, the records are to be opened to the public not later than twelve years after the conclusion of the president's final term. Also during 1978, the president issued Executive Order 12065 requiring that classified information "constituting permanently valuable records of the Government . . . shall be reviewed for declassification as it becomes twenty years old." In limited and highly-defined cases, classification may be extended for an additional ten years. These two measures along with the 1974 Freedom of Information and Privacy acts, underscore Congress' and the administration's commitment to opening government records at the earliest possible date consistent with personal privacy and national security considerations.

IMPLEMENTATION

Upon the adoption of this resolution, the Secretary of the Senate will write to the chairman of each standing, select, and special committee of the Senate. He will enclose a copy of the resolution and suggest that the committee review its provisions with regard to the following specific categories of committee records:

Investigative files relating to individuals and containing personal data: open through 1929;

Personnel records: open through 1929;

Executive nomination records: open through 1929;

Legislative bill files: open through 1959;

Minutes of committee meetings: open through 1959;

Executive communications: open through 1959;

Correspondence of the chairman, members, and staff: open through 1959;

Subject files: open through 1959;

Unprinted transcripts of closed hearings: open through 1959, unless marked "Secret" or "Top Secret" in which case they will be subject to review by the committee, or if the committee is defunct, the National Archives' declassification office;

Unprinted transcripts of public hearings: no restriction;

Committee publications (hearings, committee prints): no restriction (except for "confidential committee prints", which are generally preliminary drafts of committee reports, which will be open through 1959);

Petitions and memorials: open through 1959; and

Press clippings and releases: no restriction.

If a committee, acting through its chairman, chooses to establish alternative opening dates for any or all of the above categories, the chairman should so inform the Archivist of the United States, National Archives Building, Washington, D.C., 20408, with an information copy to the Secretary of the Senate. If the Archivist of the United States has not received notification from a committee within sixty days of the adoption of this resolution, he will assume that, until informed to the contrary, the provisions of this resolution will govern access to that committee's records in his custody.

The provisions of this resolution apply only to Senate records located within the National Archives Building.

COMMITTEE AMENDMENTS

The Committee on Rules and Administration has amended Senate Resolution 474 by striking "XXX" where it appears and inserting in lieu thereof "XI". These technical amendments are necessary as a result of the adoption of Senate Resolution 389, agreed to March 25, 1980, which consolidated and renumbered certain Standing Rules of the Senate.

The committee has also amended the resolution by striking "so transferred" on page 3, line 2, and inserting in lieu thereof "pursuant to section 2". This is a clarifying amendment designed to make clear that section 3(a) applies only to records which have not been made public prior to transfer to the General Services Administration.

APPENDIX

The following list of significant Senate records at the National Archives was prepared in 1958 at the request of the Special Committee on Senate Memorabilia. It is representative of numerous documents in the Senate's collection of interest and research value.

1. Inaugural address of George Washington. April 30, 1789.
2. Copy of John Langdon's letter to George Washington notifying him of his election. April 6, 1789.
3. Report of committee to consider under what title the Senate shall address the President. May 11, 1789.
4. Resolutions of the mayor, aldermen, and commonalty of the city of New York, tendering to Congress the use of the city hall. April 6, 1789.
5. Messages of the President of September 11, 24, and 25, 1789, and nominations for the Department of the Treasury, for the Department of War, for the Secretary of State, for the Attorney General, for Postmaster General, for the Supreme Court, and for judges and marshals.
6. Message of the President communicating a report from the Secretary of State relative to American citizens held as prisoners in Algiers. December 30, 1790.
7. Rough drafts of proposed amendments to the Constitution. 1789 (Bill of Rights).
8. Messages of the President transmitting acts of State legislatures, ratifying the articles of amendments to the Constitution proposed by Congress to the legislatures of the several States. 1790.
9. Electoral votes and credentials of Senators. 1789.
10. Inaugural address of John Adams. March 4, 1797.
11. Message of the President announcing the death of George Washington. December 19, 1799.
12. Motions and resolutions of the Senate regarding the death of George Washington, also the expenses of the funeral. 1799.
13. Reply of President John Adams to the address of the Senate on the death of General George Washington. December 23, 1799.
14. Message of the President enclosing a letter of Mrs. Martha Washington relative to resolutions of the Senate, on the death of George Washington. January 8, 1800.
15. Address of Vice President Jefferson to the Senate in retiring from the chair of the Senate. February 28, 1801.
16. Annual message of President Thomas Jefferson. December 8, 1801.
17. Message of President Jefferson to the Senate, nominating Livingston and Monroe as ministers plenipotentiary to arrange for the purchase of New Orleans. January 11, 1803.
18. Messages of President Jefferson of October 17 and 21, 1803, January 16, 1804, and copies of the treaty and conventions of April 30, 1803, between the United States and France, providing for the cession of Louisiana to the United States.

19. Message of President Madison recommending a repeal of the embargo and nonimportation laws. March 31, 1814.

20. Message of President Madison recommending a declaration of war by the United States against the Dey and Regency of Algiers. February 23, 1815.

21. Annual message of President Monroe. December 2, 1823 (Monroe Doctrine).

22. Message of President Lincoln recommending the adoption of a joint resolution by Congress in relation to the gradual emancipation of slaves. March 7, 1862.

23. Annual messages of President Lincoln. December 1, 1862, December 9, 1863, and December 6, 1864.

24. Letters of President Wilson of July 25 and August 8, 1919, to the chairman of the Senate Committee on Foreign Relations relative to the treaty with Germany, also a letter of July 11, 1918, regarding independence of Poland.

25. Impeachment records of the following persons:

1. William Blount, Fifth Congress, 1798–99.
2. John Pickering, Eighth Congress, 1803–04.
3. Samuel Chase, Eighth Congress, 1804–05.
4. James Peck, Twenty-first Congress, 1830–31.
5. William H. Humphreys, Thirty-seventh Congress, 1862.
6. President Andrew Johnson, Fortieth Congress, 1868.
7. W. W. Belknap, Forty-fourth Congress, 1876.
8. Robert W. Archibald, Sixty-second Congress, 1912–13.
9. George F. English, Sixty-ninth Congress, 1926.
10. Harold Lauderback, Seventy-third Congress, 1933.
11. Halsted L. Ritter, Seventy-fourth Congress, 1936.

○

MICHAEL DAVIDSON
COUNSEL
ROBERT K. KELLEY
DEPUTY COUNSEL
PAULA A. SWEENEY
CHARLES TIEFER
ASSISTANT COUNSEL

APPENDIX C

Phone: 202-224-4435

United States Senate

OFFICE OF SENATE LEGAL COUNSEL
WASHINGTON, D.C. 20510

MEMORANDUM

To: Hon. J. Stanley Kimmitt

From: Michael Davidson

Date: November 18, 1980

This is in response to your inquiry about the ownership of committee records.

Section 202(d) of the Legislative Reorganization Act of 1946, 2 U.S.C. § 72a(d)(1976), provides that committee records are the property of the Congress:

> All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Congress and all members of the committee and the respective Houses shall have access to such records.

Senate Rule XXVI(10)(a) specifically applies this statute to the Senate, and provides that "such records shall be the property of the Senate...."

The disposition of committee records is governed by 44 U.S.C. § 2114 (1976):

> The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

This provision is carried forward in Senate Rule XI(2).

It is clear from these statutes and rules that Senate committee records are the property of the Senate, and the Secretary of the Senate has the responsibility to obtain non-current Senate committee records at the close of each Congress and transfer them to the General Services Administration for preservation, subject to the orders of the Senate.

Your letter indicates that questions have been asked about the ownership of "staff files." The applicable statute and rule embrace "all committee hearings, records, data, charts and files...." (emphasis added). "All" modifies everything which follows, including "files." There is no tenable distinction between "committee files" and "staff files"; all files created by Senate committee staff in connection with Senate committee business are the property of the Senate.

cc Mr. Richard A. Baker ✓

FINAL REPORT

OF THE

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

March 31, 1977

V. The Congress

For the purposes of the following recommendations, documentary materials produced or received by Congress or by individual Members and their staffs should be divided into three categories: (A) Federal records, (B) Public Papers of Members, and (C) Personal papers.

A. FEDERAL RECORDS

Recommendation 14:

The Federal records of Congress shall be its institutional records, which include committee, subcommittee, conference committee, and mark-up session transcripts and materials, as well as other papers produced or received by committees in the course of their official duties, and should be preserved in accordance with existing law as well as the rules of the House and Senate.

Recommendation 15:

All institutional records of Congress should henceforth be subject to the provisions of the Freedom of Information Act and the principles of the Privacy Act.

Unpublished records of the Congress now deposited in the National Archives should be made available immediately, except for those materials that fall under the exemptions included in the Freedom of Information and Privacy Acts, which the Archivist of the United States should continue to apply until otherwise directed by the Congress.

Comment: The institutional records of Congress are an invaluable source of information about the legislative process, yet the rules concerning access are so varied and inconsistent that the records themselves often go unused. At public hearings and at the Congressional Panel Discussion, the Commission heard testimony which deplored the current practices. The Commission was urged to recommend uniform standards to provide for orderly disposition of Congressional records and to guarantee access to them within a reasonable period of time.

Recommendations 14 and 15 would assure that institutional records of the Congress would be preserved and made available to the public in the same manner as the records of the agencies of the Executive branch. This would strengthen the public's interest in and knowledge of the Legislative branch. The Freedom of Information and Privacy Acts, which are deemed adequate to provide safeguards for records of executive agencies, would be extended to the records of Congress. The Commission believes these Acts would protect the Congress against premature disclosure of sensitive materials such as the files of special investigative committees, recent executive sessions, or records which might relate to the financial affairs of Congressmen and their staffs.

Recommendation 16:
The records of official Congressional administrative offices (Secretary of the Senate, Clerk of the House, Sergeants at Arms, Doorkeeper, Parliamentarian of the House, etc.), housekeeping and support agencies (Architect of the Capitol, Congressional Budget Office, Office of Technology Assessment, etc.), but not party conference and policy committees, should be treated in the same manner as the records of committees. Because of the unique relationship of the Offices of Legislative Counsel to Members and Committees, these records may remain closed for up to fifteen years after their creation.

Comment: The records of official Congressional administrative offices become available on a sporadic basis. Some of these records are completely unavailable, others are in the National Archives, but none is accessible in a predictable manner. This recommendation would rationalize the recordkeeping process for these important offices and would apply the safeguards provided by the Freedom of Information and Privacy Acts.

However, Members of Congress and staff members of both the Senate and House of Representatives indicated to the Commission that party conferences and policy committees differ significantly in function from other Congressional committees. Therefore, the Commission feels it would be inappropriate to treat their records in the same manner as those accumulated by other committees. Similarly, because access to the materials accumulated in Offices of Legislative Counsel might impinge upon the confidential relationship between that office and Members and Committees, the Commission believes that these records should also be handled in a manner that accords with their special status.

Recommendation 17:
A records management program should be instituted for the institutional records of Congress. In addition, the institutional records of Congress should be made subject to those provisions of Federal law which relate to archival administration and records disposition or to comparable regulations. Accordingly, the Archivist of the United States should appraise noncurrent records of the Congress offered for deposit with the National Archives to determine which records have continuing value, and he should provide for the orderly transfer of these records to the National Archives. The disposition schedule for the records of Congress should be published in the Congressional Record, and notice of the disposition of specific material should also be published at least sixty days in advance.

Comment: Congress, like executive branch agencies, accumulates many papers which do not have enduring administrative or historical value. Currently, the National Archives accepts many Congressional records that should not be permanently retained. The primary goals of records management are the full and accurate documentation of government policies and transactions and the efficient and economical creation, maintenance, and use of records. Current law requires the head of each Federal agency to establish and maintain active and continuing records management programs. The growth in the size of the Congressional establishment and the resulting increase in the volume and complexity of its institutional records have made it imperative that Congress adopt an effective and comprehensive records management program. This recommendation would enable the Archivist to work with the Congress, as he does with executive branch agencies, to develop appropriate disposition standards. The publication of the disposition schedule would assure public knowledge of these standards.